



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

February 7, 1996

950593
EC-2

James L. Boynton
Forest Supervisor
Sierra National Forest
1600 Tollhouse Road
Clovis, CA. 93611-0532

Dear Mr. Boynton:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **Grazing Strategies for the Dinkey Creek Allotment, Sierra National Forest, CA**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EIS evaluates various grazing strategies for the Dinkey Creek Allotment. The Federal action includes renewal/nonrenewal of the 10 year grazing permit which expired in 1993 and approval of the revised Allotment Management Plan. Alternative grazing strategies evaluated in detail are nonrenewal of the permit for 10 years (no action alternative), deferred grazing and structural improvements to protect wildlife and watershed resources, reduced grazing, and continued grazing at the recent stocking level. All alternatives would include the adoption of the following: new reduced forage and willow utilization standards, protection of Lahontan Cutthroat Trout in the Cow Creek Drainage, monitoring of meadow ecological conditions, protection of known Willow Flycatcher nests, protection of suitable Willow Flycatcher nesting habitat offsite, and protection of significant archeological resources.

EPA strongly supports the adoption of the common alternative features above. These improvements will help reduce the obvious watershed degradation described within the DEIS. However, these features alone may not be sufficient to reverse the adverse impacts from extensive chiselling (pg. 3-4), gullying, streambank erosion and disturbed meadow/riparian ecosystems (pg. 3-11) which have been caused in part by past grazing pressures. We urge selection of a reduced grazing strategy which will reverse the above adverse impacts and promote recovery of the damaged watersheds.

The DEIS also clearly states that grazing practices are only one of many management activities which have contributed to adverse watershed effects. For instance, timber harvests and

road construction are cited as other major causes of the observed meadow gully formations (pg. 3-5). We recommend the Sierra National Forest embrace the ecosystem and adaptive management goals and priority management actions stated in the recently released "The Forest Service Program for Forest and Rangeland Resources: A Long-Term Strategic Plan". We advocate ecosystem and adaptive management and urge you to consider future holistic, watershed level analyses to address all the various activities within a watershed. This watershed ecosystem management approach would allow the Forest Service to address potential negative effects of timber harvest, grazing, road construction, mining and management activities in a complementary and synergistic manner.

We recognize that the immediate decision is renewal or nonrenewal of the current grazing permit. In the absence of a specific ecosystem management approach for the Dinkey allotment area, we encourage close coordination and collaboration between forest management activities in the allotment to maximize ecosystem benefits and minimize adverse cumulative impacts.

EPA is concerned with the continuation of direct and indirect adverse impacts to sensitive watersheds which already show stress from past grazing pressure. Because of our concern, we have classified this DEIS as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). We appreciate the opportunity to review this DEIS. Please send two copies of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions, please call me at (415) 744-1584, or invite your staff to call Ms. Laura Fujii at (415) 744-1579.

Sincerely,



David J. Farrel, Chief
Office of Federal Activities

Enclosure: (6 pages)

Filename: Dinkey.dei
MI002299

cc: Tom Froli, Kings River Ranger District, Sierra NF
USFWS, Sacramento
CDFG, Sacramento
SWRCB, Region 5, Fresno Branch Office

COMMENTS

Alternatives Analysis

1. Because of the existing erosion and watershed degradation described in the DEIS, we recommend evaluation and exploration of other alternatives which could maximize project benefits and minimize potential adverse impacts to degraded watersheds. For instance, other options may include: 1) substantial reduction in stocking levels plus deferred grazing, 2) elimination of or restricted grazing in highly degraded watersheds, and 3) Alternative 2 (18% reduction in stocking level) plus structural improvements to protect wildlife and watershed resources. In addition, we urge implementation of the watershed condition mitigation measures proposed for Alternative 1 (pg. 4-11), regardless of the selected alternative.

We also recommend reconsideration of the rest-rotation option. Lack of NEPA documentation for use of other allotments is not a valid argument for eliminating this alternative (pg. 2-2) since the current NEPA action could be expanded to include the necessary information and provide full public disclosure.

2. The FEIS should clearly state the Forest Service's preferred alternative and state which alternative achieves the desired future conditions with the minimum adverse impacts.

Environmental Consequences Analysis

1. The FEIS should include a description and discussion of indirect and cumulative impacts of the proposed action within the context of other activities which may be occurring within the allotment. For instance, include information on past, present, and future timber harvest activities, road construction, restoration efforts, and mining within the area. The cumulative impacts of the proposed action in conjunction with these other activities should be fully disclosed within the FEIS. Although grazing may not be a major contributor to demonstrated adverse watershed effects, grazing does have indirect and cumulative impacts in relationship with other activities on the allotment.

2. The DEIS compares potential impacts of the proposed grazing strategies with the no permit renewal scenario (no action). However, to place the proposed grazing strategies within the context of historical grazing on Dinkey allotment, we recommend the FEIS also compare the impacts, costs, and effects of the grazing strategies with the conditions under the most current grazing permit.

3. On page 4-12, the DEIS states that Alternative 2, with an

18% reduction in stocking level, would result in a higher rate of exceedences of the Cumulative Watershed Effects (CWE) Thresholds of Concern (TOC), than Alternative 1, which only reduces stocking level by 8%. The above statement appears contrary to the assumption that a greater reduction in stocking level reduces adverse impacts of grazing. The FEIS should clearly explain why Alternative 1 would have fewer adverse CWE effects than Alternative 2. For instance, is the difference a result of the proposed fencing component under Alternative 1 or of other planned activities under Alternative 2?

Water Quality

1. Specific vegetation and streambank utilization limits are proposed for Cow Creek to minimize impacts of grazing on Lahontan Cutthroat Trout (pg. 2-3). We commend the Forest Service for this initiative but request the FEIS provide information on the historical and current ecosystem condition of Cow Creek. Without this historical information, it is difficult to evaluate whether the proposed utilization levels are valid or beneficial.
2. The DEIS states that the California Regional Water Quality Control Board has been consulted regarding surface water quality standards (pg. 1-6). However, the result of this consultation is not reported. We recommend the FEIS include information on the results of this consultation.

Monitoring

The lack of information regarding water quality, woody riparian vegetation conditions, and meadow conditions is stated as one of the management issues for the Dinkey allotment (pgs. 4-1, 4-7, 4-14, 4-19). We suggest that the FEIS provide a description of specific actions and monitoring which will be taken, if any, to reduce these known data gaps. We recommend close collaboration with permittees and other Forest users, who could act as possible data collectors for obtaining the necessary ecological information.

Environmental Justice

In keeping with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898), the FEIS should describe the measures taken by the Forest Service to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities, e.g. Indian Tribes, and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The intent and requirements of EO 12898 are clearly illustrated in the President's February 11,

1994 Memorandum for the Heads of all Departments and Agencies, attached.

General Comments

1. In 1994 the Forest Service and Bureau of Land Management proposed modification of grazing management practices in their Final Environmental Impact Statement entitled Rangeland Reform '94. We recommend that the FEIS summarize the current status of the Rangeland Reform/Healthy Rangeland initiative and describe what components may or may not be incorporated into the proposed grazing strategies for the Dinkey allotment.
2. The DEIS references an Environmental Assessment for issuance of short-term grazing permits (pg. 2-3). We suggest the FEIS include a summary of this EA and its major conclusions.
3. For clarity, we advise the FEIS include a topographical map of the allotment and an acronym list.

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

THE WHITE HOUSE

WASHINGTON

February 11, 1994

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

SUBJECT: Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Today I have issued an Executive order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. That order is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. That order is also intended to promote nondiscrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

The purpose of this separate memorandum is to underscore certain provision of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.

I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately:

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321 et seq. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities.

Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

The Environmental Protection Agency, when reviewing environmental effects of proposed action of other Federal agencies under section 309 of the Clean Air Act, 42 U.S.C. section 7609, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.

Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. section 552b, and the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

* * *

This memorandum is intended only to improve the internal management of the Executive Branch and is not intended to, nor does it create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

William D. Clement